

(2) A package or unit of military explosives (including ammunition) shipped by or on behalf of the DOD when in—

(i) Freight containerload, carload or truckload shipments, if loaded and unloaded by the shipper or DOD; or

(ii) Unitized or palletized break-bulk shipments by cargo vessel under charter to DOD if at least one required label is displayed on each unitized or palletized load.

(3) A package containing a hazardous material other than ammunition that is—

(i) Loaded and unloaded under the supervision of DOD personnel, and

(ii) Escorted by DOD personnel in a separate vehicle.

(4) A compressed gas cylinder permanently mounted in or on a transport vehicle.

(5) A freight container, aircraft unit load device or portable tank, which—

(i) Is placarded in accordance with subpart F of this part, or

(ii) Conforms to paragraph (a)(3) or (b)(3) of § 172.512.

(6) An overpack or unit load device in or on which labels representative of each hazardous material in the overpack or unit load device are visible.

(7) A package of low specific activity radioactive material, when transported under § 173.425(b) of this subchapter.

(b) Certain exceptions to labeling requirements are provided for small quantities and limited quantities in applicable sections in part 173 of this subchapter.

(c) Notwithstanding the provisions of § 172.402(a), a subsidiary hazard label is not required on a package containing a Class 8 (corrosive) material which has a subsidiary hazard of Division 6.1 (poisonous) if the toxicity of the material is based solely on the corrosive destruction of tissue rather than systemic poisoning.

(d) For Division 6.1 Packing Group III materials, a POISON label may be used in place of a KEEP AWAY FROM FOOD label.

[Amdt. 172-123, 55 FR 52594, Dec. 21, 1990, as amended by Amdt. 172-132, 58 FR 50501, Sept. 27, 1993; 172-130, 58 FR 51531, Oct. 1, 1993; Amdt. 172-139, 59 FR 67490, Dec. 29, 1994; Amdt. 172-145, 60 FR 49110, Sept. 21, 1995]

§ 172.401 Prohibited labeling.

(a) Except as otherwise provided in this section, no person may offer for transportation and no carrier may transport a package bearing a label specified in this subpart unless:

(1) The package contains a material that is a hazardous material, and

(2) The label represents a hazard of the hazardous material in the package.

(b) No person may offer for transportation and no carrier may transport a package bearing any marking or label which by its color, design, or shape could be confused with or conflict with a label prescribed by this part.

(c) The restrictions in paragraphs (a) and (b) of this section, do not apply to packages labeled in conformance with:

(1) Any United Nations recommendation, including the class number (see § 172.407), in the document entitled "*Transport of Dangerous Goods*";

(2) The International Maritime Organization (IMO) requirements, including the class number (see § 172.407), in the document entitled "International Maritime Dangerous Goods Code";

(3) The ICAO Technical Instructions; or

(4) The TDG Regulations.

(d) The provisions of paragraph (a) of this section do not apply to a packaging bearing a label if that packaging is:

(1) Unused or cleaned and purged of all residue;

(2) Transported in a transport vehicle or freight container in such a manner that the packaging is not visible during transportation; and

(3) Loaded by the shipper and unloaded by the shipper or consignee.

[Amdt. 172-9, 41 FR 15996, Apr. 15, 1976, as amended by Amdt. 172-75, 47 FR 44471, Oct. 7, 1982; Amdt. 172-77, 47 FR 54822, Dec. 6, 1982; Amdt. 172-94, 49 FR 38134, Sept. 27, 1984; Amdt. 172-100, 50 FR 41521, Oct. 11, 1985; Amdt. 172-123, 55 FR 52594, Dec. 21, 1990; Amdt. 172-132, 58 FR 50501, Sept. 27, 1993]

§ 172.402 Additional labeling requirements.

(a) *Subsidiary hazard labels.* Each package containing a hazardous material—

(1) Shall be labeled with primary and subsidiary hazard labels as specified in Column 6 of the § 172.101 Table (unless